

SENATE BILL REPORT

SB 6399

As Reported By Senate Committee On:
Human Services & Corrections, February 05, 2008

Title: An act relating to less restrictive alternatives.

Brief Description: Establishing requirements for patients at the special commitment center seeking a less restrictive alternative.

Sponsors: Senators Carrell and Marr.

Brief History:

Committee Activity: Human Services & Corrections:1/29/08, 2/5/08 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6399 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Marr, and McAuliffe.

Staff: Shani Bauer (786-7468)

Background: Under current law, a sexually violent predator who is civilly committed under chapter 71.09 RCW has an annual review to determine whether he or she continues to meet the commitment standard and whether conditional release to a less restrictive alternative is appropriate.

If the Department of Social and Human Services (DSHS) does not support a conditional release to the community or an unconditional release in the annual review process, a civilly committed person may seek a review or a new commitment trial at any time. The committed person must present a prima facie case in a show cause hearing that he or she has so changed that he or she no longer meets commitment criteria or that conditional release to a less restrictive alternative is in his or her best interests, and that conditions can be imposed that adequately protect the community.

Before the court may order a sexually violent predator to a less restrictive alternative, it must find:

- The person will be treated by a qualified treatment provider;
- The treatment provider has presented a specific course of treatment and has agreed to assume responsibility for the treatment and report progress to the court on a regular basis;

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- Housing exists that is sufficiently secure to protect the community;
- The person is willing to comply with the treatment plan; and
- The person is willing to comply with supervision requirements imposed by the Department of Corrections.

Summary of Bill (Recommended Substitute): In approving a treatment provider for an offender who is being released from the special commitment center to a less restrictive alternative, the court must give due deference to the provider recommended by DSHS.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): Removes language preventing the court from overriding any agreement of the prosecutor, the supervising community corrections officers, the provider, and the superintendent of the special commitment center as to the location of the treatment provider. Requires the court to give due deference to a treatment provider recommended by DSHS.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: In the past, DSHS has had a plan worked out as to where an offender would get treatment, but this plan was thwarted by the judge. The court is not necessarily in a good position to determine the appropriate treatment regimen for the offender. The court should not intervene in these situations without good reason.

OTHER: Some concern was expressed with the prosecutor being part of the decision. If the prosecutor is involved, the offender may never get out. People should be given an opportunity for change. The intent of this bill is unclear

Persons Testifying: PRO: Senator Mike Carrell, prime sponsor.

OTHER: D. Pablo Stanfield, Friends Committee on WA Public Policy; Martha Harden Cesar, Superior Court Judges Association.